

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE:

NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION,

)
)
)
) Multi-District Litigation
) Case No. 1:13-md-2419-RWZ
)
)

ANNUAL REPORT OF TORT TRUSTEE

Lynne F. Riley, Tort Trustee¹ under the Tort Trust dated June 4, 2015 created pursuant to the *Third Amended Joint Chapter 11 Plan of New England Compounding, Inc.* confirmed by the United States Bankruptcy Court for the District of Massachusetts on May 20, 2015, hereby submits certain reports for the period of June 1, 2020 through May 31, 2020, inclusive, required under the Tort Trust, each more fully described below.

1. Expense Funds: Attached as Exhibit A are the profit and loss statement and supporting transactional summary of Expense Funds (in which the Tort Trust holds a residual interest) held by Stephen Darr as the Expense Funds Administrator, the fiduciary responsible for the approval of Expense Fund expenditures of which the Tort Trustee is merely reporting, showing: (i) interest income of \$15.44, (ii) professional fees of \$1,665.00. As of May 31, 2020, \$3,969.96 was on deposit with the Expense Funds Administrator as Expense Funds.

2. Qualified Settlement Funds: Annexed hereto as Exhibit B are the profit and loss statement and supporting transactional summary of the Qualified Settlement Funds held by the Tort Trustee as its administrator (which are not Tort Trust Assets), showing: (i) interest income

¹ Capitalized terms used, but not otherwise defined herein shall have the meanings ascribed to those terms in the *Third Amended Joint Chapter 11 Plan of New England Compounding, Inc.*

of \$18,658.85 and (ii) settlement distributions of \$0.00. As of May 31, 2020, \$6,649,474.37 was on deposit with the Tort Trustee as Qualified Settlement Funds.

3. Tort Trust: Annexed hereto as Exhibit C are a profit and loss statement and supporting transactional summary of funds held by the Tort Trustee in the Tort Trust showing: (i) interest income of \$4,607.78, (ii) bond premium of \$11,970.00, (iii) other professionals' fees and expenses of \$12,581.48, (iv) Trustee fees and expenses of \$50,757.28, (v) statutory United States Trustee fees of \$8,823.48, and (vi) settlement disbursements of \$171,678.49. As of May 31, 2020, \$1,518,101.89 was on deposit with the Tort Trustee as Tort Trust Funds.

4. Status of Claims Processing in the National Settlement: Annexed hereto as Exhibit D is the summary update report concerning the NECC National Settlement.

5. Status of Claims Processing in the Three Provider Settlements: Annexed hereto as Exhibit E is the summary update report concerning the Three Providers Settlements.

Respectfully Submitted,

LYNNE F. RILEY, TORT TRUSTEE,

By her attorneys,

/s/ Michael J. Fencer
Michael J. Fencer (BBO No. 648288)
Casner & Edwards, LLP
303 Congress Street
Boston, MA 02210
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Dated: June 26, 2020

Email: fencer@casneredwards.com

CERTIFICATE OF SERVICE

I, Michael J. Fencer, hereby certify that on the date set forth above I served a copy of the foregoing and all exhibits thereto, electronically via CM/ECF on all registered users.

/s/ Michael J. Fencer
Michael J. Fencer